

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**IN THE MATTER OF THE CARE AND
TREATMENT OF LARRY WALKER**

**v.
STATE OF MISSOURI**

APPELLANT,

RESPONDENT.

DOCKET NUMBER WD76976

DATE: June 9, 2015

Appeal From:

Jackson County Circuit Court
The Honorable Kathleen A. Forsyth, Judge

Appellate Judges:

Division Three: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Gary D. Witt, Judge

Attorneys:

Erika R. Eliason, Columbia, MO, for appellant.

Mary H. Moore, Jefferson City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

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No. WD76976

Jackson County

Before Division Three: Victor C. Howard, Presiding Judge, James E. Welsh, Judge and Gary D. Witt, Judge

Appellant Larry Walker appealed the judgment of the Circuit Court of Jackson County which found him to be a Sexually Violent Predator ("SVP") pursuant to section 632.480(5). In his sole point, Walker argues that the trial court erred when it excluded a report signed by the multidisciplinary team ("MDT") in which the members of the team voted that Walker did not appear to meet the statutory definition of an SVP. He contends that the report contained expert opinion on an ultimate issue such that it should not have been excluded.

AFFIRMED

Division Three holds:

The trial court did not err in excluding the MDT report because none of the members of the team were offered or qualified by Walker to testify as experts, none were called to testify regarding the report or how it was prepared, there was no evidence as to why each member voted "no," no expert testified that she or he relied upon the report in formulating an opinion and no expert testified that reports of this type are relied upon by experts in this field. Although misstated by Walker, the trial court did *not* find that the MDT report contained *expert* opinions going to the ultimate issue—it found only that the report contained opinions on the ultimate issue. The report was properly excluded because it consisted of the opinions of non-testifying persons' that had not been properly qualified as expert opinion and without any support for how those individuals reached the opinions.

Opinion by Gary D. Witt, Judge

June 9, 2015

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